

REMARKS

The Examiner is thanked for the due consideration given the application. The specification has been amended to insert headings.

Claims 1-20 are pending in the application. Support for the amendments to claim 1 can be found in the specification at page 5, lines 4-11. Claims 2, 5, 6, 8 and 9 have been amended to improve their language in a non-narrowing fashion. Claims 11-20 are newly presented. Support for new claims 11 and 12 can be found in the specification at page 3, line 13. Support for new claim 13 can be found in the specification at page 5, lines 4-11. Support for new claims 14 and 15 can be found in the paragraph bridging pages 5 and 6 of the specification. Support for new claims 16, 17 and 20 can be found in the paragraph bridging pages 3 and 4 of the specification. Support for new claims 18 and 19 can be found in the specification at page 3, lines 7-12.

No new matter is believed to be added to the application by this amendment.

Rejection Under 35 USC §112, Second Paragraph

Claim 8 has been rejected under 35 USC §112, second paragraph as being indefinite. This rejection is respectfully traversed.

The Official Action asserts that the limitation "and/or" is indefinite. However, claim 12 has been amended to be clear, definite and have full antecedent basis.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

# Rejection Over BOYLE

Claims 1, 7, 9 and 10 have been rejected under 35 USC §102(b) as being anticipated by BOYLE (U.S. Patent 3,871,636). This rejection is respectfully traversed.

The present invention pertains to an item of equipment, e.g., a dashboard, which is exemplarily illustrated in Figure 3 of the application, reproduced below.

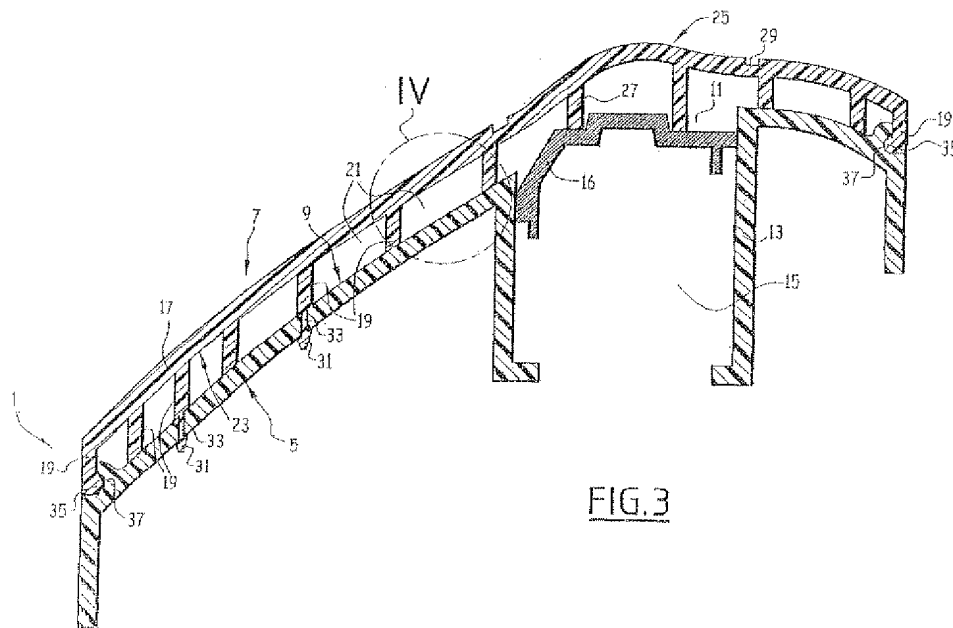


FIG. 3

Figure 3 shows a rigid supporting reinforcement (5) and

a flexible padding (7) covering an outer face (9) of the supporting reinforcement (5). The padding has an outer covering skin (17), and the padding has projections (19, 27) that are made in one piece with the outer skin (17) and that rest on the outer face (9) of the supporting reinforcement (5). The projections (19, 27) delimit between them deforming spaces (21) of the padding to give the padding its flexibility so that the padding can deform on touch at least by deformation of some of the projections. See claim 1.

BOYLE pertains to an energy absorbing device, in particular to protect vehicular passengers during sudden stops or collisions (column 1, lines 4-7).

To achieve this goal the padding has necessarily a high rigidity. This rigidity cannot be of the same magnitude as the padding of the present invention which has, to the contrary, an aesthetic and comfort function and is deformable on touch.

This is confirmed in Figure 8 of BOYLE, which is reproduced below.

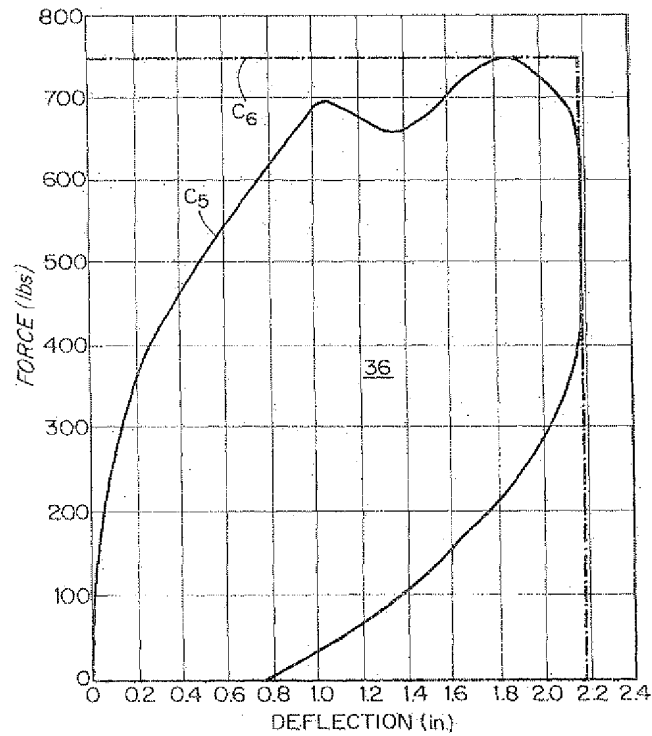


Fig. 8.

It is confirmed by Figure 8 of BOYLE, where the portion of the curve C tangent to the vertical axis shows that no substantial deformation of the padding occurs for a force below 100 lbs. Indeed, for this value on the vertical axis, the curve C5 is still on a value of 0 on the horizontal axis.

Such a force corresponds to around  $100 \times 7 \cdot 10^3 \text{ N/m}^2$ , i.e.,  $7 \times 10^5 \text{ N/m}^2$ .

Keeping in mind that when a finger is pushed on a padding, the contact surface is around  $3\text{cm}^2$  (surface of the last portion of the finger) then a force of 210N (i.e. around 21 kg) can be applied on the padding of BOYLE without any deformation.

Such a force is far from the force that is applied during a simple touch of the padding.

Therefore, the padding of BOYLE cannot deform on touch, and BOYLE thus teaches away from a deformation on touch, as is set forth in claim 1 of the present invention.

BOYLE therefore fails to teach each and every element of claim 1 of the present invention. BOYLE accordingly fails to anticipate claim 1 of the present invention. Claims depending upon claim 1 are patentable over BOYLE for at least the above reasons.

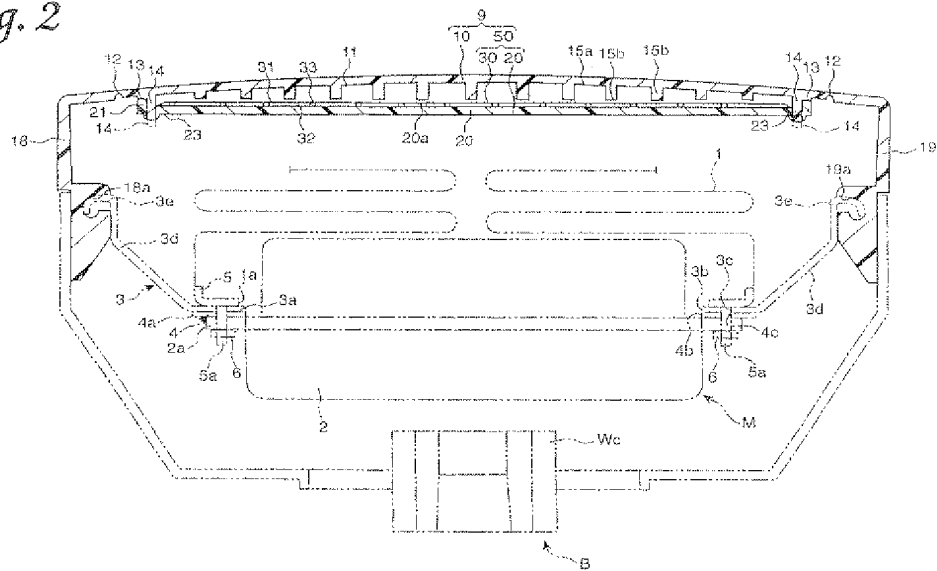
This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Rejections Over NIWA et al.

Claims 1-6 have been rejected under 35 USC §102(b) as being anticipated by NIWA et al. (U.S. Patent 5,577,766). Claim 9 has been rejected under 35 USC §103(a) as being unpatentable over NIWA et al. These rejections are respectfully traversed.

NIWA et al. pertain to a pad for a steering wheel. The Official Action refers to Figure 2 of NIWA et al., which is reproduced below.

*Fig. 2*



In NIWA et al., the ribs 15b are reinforced with respect to the parts 15a of the skin 15 (column 3, lines 50-52). Therefore, deformation of the skin 15 takes place through deformation of the parts 15a, and not through deformation of the ribs 15b (column 5, lines 18-22).

A proper actuation of the switch 31 requires a high rigidity of the ribs 15b and thus teaches away from a deformation as claimed in claim 1.

NIWA et al. therefore fail to teach each and every element of claim 1 of the present invention. NIWA et al. accordingly fail to anticipate claim 1 of the present invention. Claims depending upon claim 1 are patentable over NIWA et al. for at least the above reasons.

The Official Action acknowledges that NIWA et al. fail to teach a dashboard. The Official Action asserts that it would be

obvious to use the technology of NIWA et al. for a dashboard because an airbag can be used on both a steering wheel and a dashboard.

However, this additional limitation read into NIWA et al. fails to address the deficiencies of NIWA et al. in anticipating claim 1 of the present invention.

One of ordinary skill and creativity would thus fail to produce a claimed embodiment of the present invention from a knowledge of NIWA et al. A *prima facie* case of unpatentability has thus not been made.

These rejections are believed to be overcome, and withdrawal thereof is respectfully requested.

#### Conclusion

The Examiner is thanked for considering the Information Disclosure Statement filed July 22, 2005 and for making an initialed PTO-1449 Form of record in the application.

Prior art of record but not utilized is believed to be non-pertinent to the instant claims.

The rejections are believed to have been overcome, obviated or rendered moot and no issues remain. The Examiner is accordingly respectfully requested to place the application in condition for allowance and to issue a Notice of Allowability.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment

to Deposit Account No. 25-0120 for any additional fees required  
under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



---

Robert E. Goozner, Reg. No. 42,593  
209 Madison Street, Suite 500  
Alexandria, VA 22314  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

REG/fb